



Cathy McPherson, above, completes the last strokes of the P.A.H.E. swimathon for cancer research



U of T ombudsman's role — comments are sought

The role of an ombudsman for the University of Toronto has been outlined in a report of a working group set up last September by the Internal Affairs Committee of Governing Council. The group consisted of Principal Ralph Campbell, Scarborough College, chairman; John Parker, administrative staff representative, and David Doney, co-opted undergraduate committee member.

Principal Campbell emphasized that it was an interim report for wide consideration. Comment, he said, would be warmly welcomed. The statement, he explained, had been drafted in very general terms. The role of the ombudsman in academic matters would need further exploration and would have to be referred to the Academic Affairs Committee, which has jurisdiction in this area. Once a consensus has been reached, the chairman said, a final proposal could be developed in detail for Council.

Since the working group began its work, the view of various individuals and campus organizations were heard. Among the responses were those of the Students' Administrative Council, the Association of Part-time Undergraduate Students, the Staff Association, and the Librarians' Association. Although it declined to submit a brief, the Faculty Association asked to be kept informed of progress.

The working group's interim report follows:

THE OMBUDSMAN

1. Jurisdiction

The jurisdiction of the ombudsman at the University of Toronto should be established on a university-wide basis with the services of his office available to all students, student applicants and staff members.

2. Authority of Ombudsman

The ombudsman should have the right of inquiry into complaints of students, student applicants and staff members, except where grievance mechanisms are established to deal specifically with such matters.

The right of investigation as to whether or not the complainant has been apprised of, denied, or in some way manipulated and not had the proper opportunity to deal with his complaint by the administrative authority, should however be an appropriate matter for investigation by the ombudsman.

The ombudsman should not have administrative authority. His main thrust should be in the role of a mediator and a person of persuasion. It is assumed he will deal with problems on the basis of sound reasoning, and where such methods fail his report will constitute the alternate action of administrative powers.

The ombudsman should be recognized and respected by the whole University community. When he is unable through investigation and reason to adjust complaints or wrongdoings he should summon the proper authority to rectify the matter; he will not be the one who in fact administratively makes that adjustment. It would be expected that in the settlement of complaints all offices of the University will give full assistance and co-operation.

The ombudsman should recommend changes in administrative procedures and practices where he views such are necessary as a result of complaints or improper practices.

3. Authority to Investigate Complaints

The ombudsman must have full authority to investigate complaints in the manner he deems most appropriate. He should have all records and any other information made available on request.

4. Confidentiality

The ombudsman should assure confidentiality when dealing with complaints, and likewise grant complete confidentiality to all parties when investigating complaints. All records of the ombudsman related to complaints should be confidential and not be available to any persons.

5. Reporting

The ombudsman will report his activities regularly to the Chairman of the Governing Council. He will also submit a general report annually to the Governing Council, adhering to the requirements of confidentiality in article 4.

6. Location

The ombudsman and his staff should have offices located at the St. George Campus in a central area, preferably not in areas where other main administrative offices of the University are located.

7. Selection of the Ombudsman

All constituencies in the University community which will be affected by the authority of the ombudsman should participate in his selection. A selection committee should make recommendations on a number of candidates; the appointment would then be made by the Governing Council.

BULLETIN DEADLINE

The University of Toronto Bulletin is published on an *ad hoc* basis, generally once a week on Fridays. Copy should be typewritten and double-spaced. The deadline for most material is seven days before publication.

4998...4999...5000. That was the goal—five thousand lengths of Benson Building pool—of students taking part in a swimathon sponsored by the School of Physical and Health Education to raise funds for cancer research. The students obtained sponsors for their attempt to swim 100 lengths each—2500 yards for each, a total of 71 miles for the class. Above, right: Prof. Sheila Romeiko and Cathy McPherson tally pledge sheets.

UTFA Council backs President on adjourned GC meeting action

The Council of the University of Toronto Faculty Association on Monday passed two resolutions with respect to the Banfield incident.

One of the resolutions was as follows:

"The Council of the University of Toronto Faculty Association endorses the action of Dr. John Evans in asking the assistance of the Toronto Metropolitan Police in guaranteeing an orderly resumption on Friday, March 29, of the meeting of the Governing Council which had been interrupted the day before. The Council also endorses the resumption of this meeting within 24 hours of its forced adjournment. The Council regards these actions, in the circumstances, as essential to the implementation of Dr. Evans's statement on the Protection of Freedom of Speech which this Council has already endorsed."

The second resolution was the following:

"The Council of the University of Toronto Faculty Association regrets the action of the Vice-President Internal Affairs and the Internal Affairs Committee of the Governing Council in denying due process by withdrawing the University's recognition of the SDS as an accredited campus organization without granting the SDS a proper hearing."

At a previous meeting, the Council passed three resolutions having to do with the establishment or discontinuance of colleges, faculties, departments and chairs. They were forwarded to the Executive Committee of Governing Council, which referred them to the Academic Affairs Committee.

The text of the resolutions follows:

1. The Council of the University of Toronto Faculty Association recommends that the Governing Council adopt clear and determinate procedures for carrying out its powers under 2.1(4)(e) of the University of Toronto Act, 1971, to "establish and terminate colleges, faculties, departments and chairs." The Council recommends that these procedures should ensure that full consultation be undertaken with, and advice received from, relevant bodies outside the University. The Council recommends further that these procedures should ensure that decisions under this clause, and decisions to increase or to reduce the size of colleges, faculties, and departments, should depend primarily on an evaluation

of the effects on the advancement and dissemination of knowledge—which the proposed changes would have.

2. The Council of the University of Toronto Faculty Association recommends that policies with respect to academic staff, in the event of reduction or termination of a college, faculty, or department, should be developed in accordance with the assumptions of resolution 2. The Council firmly rejects any proposal for the dismissal of academic staff for fiscal reasons until such policies have been carefully developed. Council believes that it is not reasonable to consider at this time what courses of action should be followed in the possible but unlikely situation in which the University finds itself genuinely unable to meet all of the obligations which it has undertaken in making academic appointments and conferring tenure.

3. The Council of the University of Toronto Faculty Association recommends that no proposals under sec. VI of the Report of the Task Force on Academic Appointments be implemented, and that a new committee or task force be convened, including representatives of the Association, to develop procedures as proposed in resolutions 1 and 2 above.

Committee on Press solicits submissions

The University of Toronto Press Committee, chaired by Dr. C.T. Bissell, has been gathering information since February from interested members of the University community.

A number of helpful submissions have been received, but the Committee would like to stress that it wants to hear from all those who are interested in printing, publishing, and book selling operations of the Press and particularly from members of the teaching staff.

If the Committee is to fulfill its function and assist the Press in maintaining and developing its role in this University and in the wider academic world in Canada and abroad, it needs the full co-operation of all those concerned with the health of this vital institution.

CAMPUS FORUM

B. Balduz
E. Derow
R. Mackay
J. Salaf
H. A. Smith
J. H. Simpson
J. Turk
K. Walker
all of Sociology
D. Allen
L. Clark
F. Cunningham
D. Goldstick
A. Gombay
all of Philosophy
C. Davis
I. Guttman
M. S. Srivastava
S. K. Sinha
all of Mathematics
D. K. Daye
Linguistics

In the week following a well organized and broadly based Convocation Hall Town Hall against racism, in which his views were sharply criticized, the conservative social scientist Edward Banfield was scheduled to make four appearances on the University of Toronto campus. Said to have been arranged three months in advance by the University's American Studies Program, Banfield's visit was put through without alteration, despite mounting anti-racist sentiment manifest at the conference. His appearance can only be regarded as provocative to aroused students and to Toronto's ethnic community.

None of the platforms on which Prof. Banfield appeared was structured so that a dialogue on his views, whether by students, faculty, individuals from the community, or even journalists, could occur. Although in his first appearance he answered a number of questions, he refused to consider either the sociological implications of his views, or the relationship between them and the urban policies of the United States administrations in which he has been an important figure.

In Banfield's second appearance, he delivered a prepared speech, but again refrained from a discussion of the specific, controversial issues stemming from his work on minority groups. The next day, students and people from the community occupied Banfield's podium and prevented him from speaking any further.

We cherish highly the principle of freedom of speech, thus we do not wish it to become a flag waved to cover bad academic politics. Edward Banfield's background in urban affairs cannot be presented out of context, and it was incumbent on those responsible for his invitation to respond with far less rigidity. As the Dean of Arts and Sciences has said, they could at least have incorporated a debating format into his presentation.

The circumstances surrounding Banfield's appearance must not be used as

an excuse to rush non-academic discipline code through the Governing Council, nor as an opportunity to dismiss students from the university. Action taken by the administration should be directed to the issue as a whole, and as faculty members we believe that faculty errors in provoking student action will have to be examined as part of the whole issue. We urge that an objective investigation into the recent events be made, which could transform these events, in the spirit of intellectual inquiry, into a learning experience for the University and for Toronto itself.

A balanced panel of students, faculty, and community leaders would be appropriate to conduct such an inquiry, and the university community should be prepared to consider its recommendations on how the university should deal with scholars whose work has racist implications.

Deletions have been made in the above letter of material which, in the legal sense, be regarded as defamatory.

H.C. Eastman
Governing Council

Your April 1 account of the March 29 meeting of the Governing Council omitted what was probably its most important feature. You wrote "The final visitor [permitted to speak to Council]...accused the administration of cowardice and incompetence for not making sure that Professor Banfield was allowed to speak". You left out that this visitor bore a petition signed by over 1,000 University of Toronto students deploring the Banfield disruption and that his speech in fact praised the position and manner the President had taken since. I should have thought that the expressed opinion of over 1,000 students on such an important question was worthy of report.

James C. Morrison
Associate Professor, Philosophy

I was shocked when I heard that Prof. Banfield had been prevented from speaking at the University of Toronto. In my opinion, the members of the SDS were completely justified in doing what they did. They flagrantly violated the basic rights of free speech and expression without which the university can not be what it is and should be.

Decisive steps must be taken to prevent this kind of thing from happening again. Also, those students who were responsible should be expelled from the university. I would also like to know why the police were not called in.

Finally, I believe that President Evans' letter is inadequate and insufficient — apologies and promises are not enough.

EXHIBITION

Work by students in the Fifth Year, Architecture, 230 College St. To May 6.

Scarborough Recreation Centre to teach tennis to children, 9 to 16

Scarborough College has been noted for many things: its unique architecture, its TV teaching and, its progressive move to the new credit system. Interestingly enough, Scarborough College is also becoming very highly regarded in establishing outstanding recreational programs which meet the needs of the community.

During the summer of 1973, the Recreation Centre at the College offered many programs to people who were not directly affiliated with the University. The initiation of community relations in the field of recreation proved very successful and the programs are again being planned for this summer.

In addition, a special summer Learn-to-Play Tennis School for children 9 to 16 years of age is being offered. The school will run on a two week series basis. The classes will have ten students in each and will be taught by a certified instructor. In total, each class will receive ten two hour instructional periods. An added attraction is the availability of indoor tennis courts in the event of inclement weather.

Group I: July 15 to July 26, 10 a.m. - 12 noon, (9 - 12 year olds)

Group II: July 29 to August 12, 10 a.m. - 12 noon, (13 - 16 year olds)

The school will be run on the College courts which are situated in the valley off Old Kingston Road. The cost per person for one series is \$15. Registration opens April 1 in the Physical Education Office at Scarborough College.

For further information, please call Mrs. Mary Ann Prettie at 284-3294.

Art as applied to Medicine receives 200 illustrations

Stephen Gilbert, honorary lecturer in Art as Applied to Medicine, has presented a set of 200 paintings and drawings to the department. The illustrations, water-colour as well as pen and ink, are the original work for two manuals recently published by the University of Washington Press, *Pictorial Anatomy of the Dogfish*, and *Pictorial Anatomy of the Necturus*.

Nancy Joy, director, called the gift "magnificent" and spoke of its value as teaching material, and inspiration, for students preparing their own portfolios.

STAFF NOTES

Arts and Science

PROF. S. van den BERGH spent Oct. 31-18 at the Institute of Advanced Studies and the Department of Astronomy at Princeton, giving a talk on "Supernova Remnants" on Oct. 9. He observed at Palomar Observatory, Oct. 21-27 and attended a meeting of the Directors of the Astronomical Society of the Pacific in San Francisco on Nov. 9. He gave talks on "Recent Observations of Supernova Remnants" at Boston University on Nov. 1, at the University of California at Santa Cruz on Nov. 8, at the University of Michigan on Nov. 30 and at the Los Alamos Science Laboratory on Dec. 7, and gave a paper at the meeting of the American Astronomical Society in Tucson on Dec. 4.

PROF. K. L. LEVY lectured at Queen's University (Jan. 28) and the University of Guelph (Feb. 5), on "Del valle a la costa: un estudio de la civilización colombiana" and "Latin American Universities."

University College

PROF. D. B. REDFORD was in Cairo from Jan. 13 to Feb. 4, supervising the work of the Akhenaten Temple Project of the University of Pennsylvania, of which he is the director. On Feb. 8 he delivered a lecture entitled "Thirty Dynasties in Sixty Minutes" to the Society for the Study of Egyptian Antiquities of Toronto. On Feb. 10 he lectured on "The Work of the Akhenaten Temple Project" at the Institute of Arts, Detroit.

Victoria University

DR. DIANE OWEN HUGHES has been awarded the Kaplan Memorial Prize, offered by the University of Pennsylvania for research in family history, for her study "Urban Form and Family Patterns in the Middle Ages".

PROF. ALAN T. DAVIES conducted a symposium on antisemitism at St. Stephen's College, Edmonton, Feb. 20-21, on Jewish-Christian relations today.

Emmanuel College

In February DR. WILLIAM O. FENNELL delivered six lectures as Warfield Lecturer at the Princeton Theological Seminary, Princeton University, under the title "God's Intention for Man: Essays in Christian Anthropology". Dr. Fennell is the first Canadian to have been invited to hold this distinguished lectureship.

St. Michael's College

PROF. P. B. BILANIUK has been appointed a member of a special committee for the translation of the works of

the Ukrainian philosopher Hryhoriy Skovoroda (1722-1794) from Old-Ukrainian to German. This committee has been established by the Faculty of Philosophy of the Ukrainian Free University in Munich.

Scarborough College

PROF. C. R. CAMPBELL chaired the session on multinational oil corporations in the Middle East at the conference on "Oil, International Politics and Development in the Middle East" at the U of T. PROF. A. TAYYEB chaired the session on economic and social change in the oil-producing countries at the same conference. Prof. Tayyeb gave a talk on "Population and the Geography of Survival" to the faculty and the senior seminar group of the Department of Geography of Trent University on Jan. 15.

J. C. RITCHIE was the Canadian delegate at IX Congress of the International Union for Quaternary Research, held in Christchurch, New Zealand from December 2-10, 1973, where he read a paper on "The Vegetation History of the Western Interior of Canada — A Preliminary Synthesis". Before the Congress, he spent 10 days examining the geology and vegetation of the eastern and western highlands of Papua — New Guinea and the ascent of Mt. Wilhelm. Following the Congress, Dr. Ritchie spent a week in South Island of New Zealand examining glaciation in the Southern Alps and the vegetation of the Otago district.

PROF. J. H. SOBEL spoke on "D'Amour, Lakatos and Ethical Research" at the Eastern Division Meetings of the American Philosophical Association in Atlanta, Dec. 27-29.

PROF. L. TARSHIS along with Machup and Salant has edited a collection of papers delivered at a conference in a book entitled, "International Mobility and Movement of Capital".

PROF. W.M. DICK who is spending his sabbatical year in Britain doing research in comparative labour history, delivered a paper entitled "Great Britain and the American Left, 1900-1924" at Edinburgh University on Jan. 14.

Erindale College

PROFS. ROGER BECK and CATHERINE REID attended the annual meeting of the American Philosophical Association in St. Louis. Prof. Beck gave a paper entitled "The Composition of the Mithraic Tauroctony".

PROF. THOMAS F. McILWRAITH was awarded a Ph.D. degree from the University of Wisconsin in December. The title of his dissertation is "The Logistical Geography of the Great Lakes Grain Trade, 1820-1850".

Minutes of SGS Council meeting

Summary of the Minutes, Council of the School of Graduate Studies, Feb. 19.

Report of the dean

Acting on behalf of the dean, the chairman (i) reported on applications for admission to the session 1974-75. The number received by February 15, 1974, was 5,837, an increase of 647 over the number received at the same date last year; (ii) drew attention to a letter from the Dean with respect to University of Toronto Open Fellowships; (iii) presented a request from a Council member to be absent from a third consecutive regular meeting of Council without his seat being declared vacant. Council approved the request.

Notice of motion with respect to Ph.D. oral examinations

The following Notice of Motion was received by Council: (i) That paragraph 10e, page 23 of the 1973-74 Calendar be amended to read as follows: "make nominations for a Committee of five to eight members to conduct the final oral examination..."; (ii) That a committee repre-

senting all Divisions of the School be named to review and to make recommendations by the June 1974 Council meeting on other aspects of the current Ph.D. examination procedures and practices.

Report of the Fellowship Committee

Council approved the recommendation of the Committee that The Wood Gundy Doctoral Fellowship in Finance and The "Rare Books and Manuscripts" Award be established in the School.

Recommendations for award of degrees

Council approved recommendations for the award of degrees to 150 candidates.

1974-75 Calendar of the School

Council approved proposed changes in the 1974-75 Calendar. It was agreed that documentation with respect to a decision of the Executive Committee of Division II with respect to proposed changes in a department's regulations should be submitted to Council.

12. Where a group is guilty of an offence under this Code, every officer, director or agent of the group, being a member of the University, who directed, authorized or participated in the commission of the offence is a party to and guilty of the offence and is liable upon conviction to the sanctions provided for the offence whether or not the group has been prosecuted or convicted hereunder.

Governing Council's enactment of Disciplinary Tribunal

1. Unless otherwise provided herein, words defined in the Code of Behaviour have the same meaning herein and in the Rules of Procedure as in that Code.

2. Unless otherwise provided herein or unless defined in the Code of Behaviour, words defined in section 1 of *The University of Toronto Act, 1971* have the same meaning herein and in the Rules of Procedure as in that Act.

3. In this enactment and in the Rules of Procedure, unless the context otherwise requires,

(a) "academic division" means a college, school, institute, faculty or other division of the University that has academic autonomy subject only to the authority of the Governing Council, and any other college, school, institute, faculty or division of the University, or group of others, that may from time to time be designated as an academic division for the purposes hereof by the Academic Affairs Committee of the Governing Council;

(b) "academic offence" means an academic offence under the Code;

(c) "graduates" means persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and, except in section 13 (1), "graduate" has a corresponding meaning;

(d) "Code of Behaviour" or "Code" means those portions (as amended) of the Code of Behaviour approved by the Governing Council at its meeting held on June 21st, 1973, which come into force at the time of the coming into force of this enactment, and any amendments to such Code from time to time or any other code or similar enactment that may hereafter be substituted for such portions;

(e) "Dean" means the dean, director, principal or other head of an academic division;

(f) "legally qualified" means in good standing as a member (other than an honorary member or student member) of The Law Society of Upper Canada or of the governing body of the legal profession in any other province of Canada;

(g) "Prosecutor" means the University Prosecutor appointed pursuant to section 26;

(h) "Provost" means the Vice-President and Provost of the University;

(i) "Rules of Procedure" or "Rules" means the rules of procedure governing the proceedings of the University Tribunal set out in Schedule A hereto and any amendments thereto from time to time or any other rules that may hereafter be substituted therefor;

(j) "Secretariat" means the secretary to the Tribunal and the other administrative staff appointed pursuant to section 25;

(k) "University Tribunal" or "Tribunal" means the tribunal, with its divisions and branches, established and constituted by section 4; and

(l) "year" means an academic year of the University from July 1 to June 30 next following.

4. (1) The University Tribunal is hereby established and constituted in the University for the purpose of administering and enforcing the Code of Behaviour.

(2) The University Tribunal shall consist of the divisions described in section 9 and shall have the disciplinary and other jurisdiction, power and authority specified herein and in the Code of Behaviour and such further power and authority as are or may be conferred upon it by or under any Act of the Legislature of Ontario or otherwise by law, and except as otherwise provided herein or in the Rules of Procedure, shall have, in its said divisions, exclusive jurisdiction in all matters of discipline within and over the members of the University with respect to any act or conduct in the nature of or which may constitute an academic offence (hereinafter called "academic misconduct") occurring or committed either before or after the date of the coming into force hereof except academic misconduct in respect of which proceedings before the Caput or the Council of a faculty or school have been instituted before such date.

5. Subject to section 6, the jurisdiction, powers and authority of the

Caput and of the councils of the faculties and schools in matters of discipline for academic misconduct under *The University of Toronto Act, 1971*, as continued by subsection 1 of section 9 of *The University of Toronto Act, 1971*, and of any other court of discipline or other disciplinary body or committee established or existing in the University and having or exercising jurisdiction over its members in respect of academic misconduct are removed from those bodies respectively, and such jurisdiction, powers and authority are abolished, but without prejudice to or affecting (a) the exercise of such jurisdiction, powers and authority as to any academic misconduct in respect of which proceedings before the Caput or any such council have been instituted before the date of the coming into force hereof; or (b) the jurisdiction, powers and authority of the Caput or any such council or other body in matters of discipline for acts or conduct other than academic misconduct.

6. Nothing contained herein or in the Code of Behaviour shall limit or restrict or be construed as limiting or restricting the powers and authority of,

(a) the Governing Council or any committee, officer or employee thereof, duly authorized, to revoke, withdraw, cancel, recall, suspend, withhold or deny registration, enrollment, degrees, diplomas, certificates, academic standing, transcripts of results or marks obtained or privileges to use the facilities of the University, including any residence or library, for failure to pay fees, fines or levies properly due to the University or for any other cause (other than an offence or alleged offence against the Code) for which such jurisdiction, powers and authority may properly be exercised; or

(b) the Governing Council to suspend and remove members of the staff of the University.

7. (1) There shall be a panel of chairmen of the University Tribunal (hereinafter and in the Rules of Procedure sometimes referred to as "members of the Tribunal"), consisting of a senior chairman (hereinafter and in the Rules of Procedure called "the Chairman") and five other persons who shall be co-chairmen and who shall serve at hearings of the Tribunal in cases where more than one member is required to sit.

(2) The Chairman and co-chairmen of the Tribunal shall be appointed by the Governing Council upon the recommendation of the President and the persons to be so appointed shall have first been nominated by the Academic Affairs Committee of the Governing Council.

(3) The Chairman and at least three of the other members of the Tribunal shall be legally qualified.

8. (1) The Chairman shall be the president of the Tribunal and, except as hereinafter provided with respect to hearings conducted by a Hearing Officer and subject to subsections 2 and 4, either the Chairman or a co-chairman designated by him or her shall preside at and conduct all hearings of the Tribunal, both at trial and on appeal.

(2) Where the Chairman is for any reason unable or unwilling to act, his or her powers shall be exercised and his or her duties shall be performed by the senior co-chairman who is available to act.

(3) Unless otherwise provided by the Governing Council, the order of seniority of the co-chairmen shall be according to the order of their appointment.

(4) Where more than one member of the Tribunal is required to sit in a particular case, the Chairman shall designate the members who shall compose the Tribunal for that case; provided that where the Tribunal sits on appeal, no member who participated in the decision appealed from shall participate in the appeal.

9. (1) The divisions of the University Tribunal are:

(i) Trial; and

(ii) Appeal.

(2) The Trial Division shall consist of two branches, the Local Branch and the Senior Branch.

(3) The Local Branch of the Trial Division shall be composed of a group of persons, to be known as Hearing Officers,

10. None of the members of the

Tribunal, the Hearing Officers or the Prosecutor shall be a student or a member of the teaching staff or, except for the purposes hereof, of the administrative staff.

11. (1) The Secretariat shall maintain a panel of persons who are qualified to be appointed to act as Hearing Officers, selected from lists of graduates who have volunteered or consented to act as such.

(2) Subject to subsection 3, the Chairman shall, after consultation with the Dean of the academic division concerned, appoint one or more Hearing Officers for each academic division from among those qualified to act as such, for the purpose of exercising in the division for which he or she is or they are appointed, the jurisdiction, power and authority conferred by section 17 (1), and a person so appointed shall be familiar with the field of study of the academic division for which he or she is appointed, or if there is more than one field of study in the division, with at least one of such fields.

(3) Two or more academic divisions having academic autonomy as aforesaid may, by the decision of their respective councils and with the approval of the Academic Affairs Committee of the Governing Council, voluntarily compose themselves into a combined division for the purposes hereof and in such case the Chairman shall, after consultation with the Deans of the academic divisions concerned, appoint one or more Hearing Officers for such combined division and the provisions hereof shall apply thereto mutatis mutandis as if such combined division were a single academic division.

(4) If a Hearing Officer appointed for an academic division under subsections 2 or 3 is for any reason unable or unwilling to act or is disqualified from acting in a particular case, the Chairman shall appoint another qualified person to act as Hearing Officer in that case, from among those qualified to act as such.

(5) Subject to section 14 (b), no person shall be disqualified from acting as a Hearing Officer by reason of having previously acted in that capacity in another case or other cases or of being a graduate of or otherwise associated with the academic division to which the accused member belongs.

12. (1) Trials in both the Local Branch and the Senior Branch of the Trial Division shall be by jury.

(2) A jury shall be composed of five persons to be chosen from a panel which shall be selected by lot by the Secretariat, upon the instructions of the Chairman, from lists to be maintained by the Secretariat of persons who are qualified to serve as jurors and who have volunteered or consented to serve as such.

(3) Separate lists shall be maintained of prospective jurors who are students, members of the teaching staff and graduates. The list of prospective graduates shall include at least 30 graduates who ordinarily reside in the Municipality of Metropolitan Toronto or its environs.

(4) No person shall serve as a juror more often than twice in one year.

13. (1) Subject to subsection 2, no person is eligible to serve as a juror who is,

(i) a full-time graduate or undergraduate student in his or her first year at the University;

(ii) a part-time graduate or undergraduate student who has not successfully completed the equivalent of one year of full-time study at the University;

(iii) a student who is not registered in a program that leads to a degree, diploma or certificate of the University, a federated university or a federated or affiliated college;

(iv) a member of the teaching staff who has been in the employ of the University for less than three years; or

(v) a part-time member of the teaching staff.

(6) A member of the teaching staff who is disqualified under clause (v) of subsection 1 is and is also either a student or a graduate is eligible, if not otherwise disqualified, to serve as a student juror or a graduate juror, as the case may be.

14. No person is eligible to act as a Hearing Officer or to serve as a juror,

(a) who is under the age of eighteen years; or

(b) on the part of whom there is a reasonable likelihood or apprehension of prejudicial bias or conflict of interest.

15. (1) The jury at a trial in either Branch of the Trial Division shall be composed of either three members of the teaching staff and two students, or two members of the teaching staff and three students, at the option of the accused, and otherwise in accordance with the Rules of Procedure.

(2) If the accused does not, either before or at the commencement of the trial, make an election under subsection 1 as to the composition of the jury, he or she shall be deemed to have elected, if charged as a member of the teaching staff, teaching assistant or research associate, that the jury be composed of three members of the teaching staff and two students, and if charged as a student, that it be composed of two members of the teaching staff and three students.

16. (1) Where the Tribunal sits with a jury,

(a) the chairman of the hearing or the Hearing Officer, as the case may be, shall decide and determine all questions of law including matters of interpretation of the Code and the admissibility of evidence, and shall charge and assist the jury as to its verdict but shall have no vote in the reaching of such verdict; and

(b) the jury shall decide all questions of fact and render a verdict according to the evidence and the applicable law upon which it has been charged as aforesaid.

(2) The illness, absence, withdrawal or other disability or disqualification of any one juror during the course of a trial or before a verdict has been rendered shall not invalidate the proceedings, which may be continued with a jury of four.

(3) The verdict of a jury need not be unanimous but at least four affirmative votes shall be required for a conviction.

(4) Where the jury has convicted the accused, it shall, after consultation with the chairman of the hearing or the Hearing Officer, as the case may be, by a majority of its members, determine and impose the appropriate sanction.

(5) If the jury is unable to reach agreement, by a majority of its members, as to the sanction to be imposed, the chairman of the hearing or the Hearing Officer, as the case may be, shall poll the members of the jury as to the sanction that each of them would impose and shall thereupon determine and impose the appropriate sanction; provided that the most severe sanction that he or she may impose is one which is such that a majority of the members of the jury who voted when so polled proposed either that sanction or a sanction which, according to the appropriate list of sanctions contained in section F of the Code, is more severe.

17. (1) Subject to subsections 2 and 3, the Local Branch of the Trial Division shall have original jurisdiction, power and authority to hear and determine any charge of an academic offence where,

(a) the accused is charged as a student;

(b) the sanction sought to be imposed is not more severe than suspension (number F.2 (v) of the Code) and, if the sanction of suspension is sought, the period to be involved in the order of suspension does not exceed 12 months; and

(c) only one academic division is concerned with the alleged offence.

Such charges shall be tried by and before a single Hearing Officer, appointed for the academic division to which the accused member belongs, with a jury, and upon conviction of the accused of any such charge, there may be imposed any sanction or sanctions provided for in the Code of Behaviour which is within the limitations referred to in this subsection and, if applicable, in the section 16 (5).

(2) In any case where a charge is to be heard before a Hearing Officer, with a jury, the accused may elect, at any time before or at the commencement of the trial before the Hearing Officer, to be

(Continued on page 5)

Enactment of Tribunal

(Continued from page 4)

tried by the Senior Branch of the Trial Division.

17. Where a Hearing Officer is of the opinion that by reason of the apparent gravity of the alleged offence, the difficulty or complexity of the legal or factual questions that are or may be involved in the trial or the likelihood of apprehension that he or she will be unable to maintain order at the trial or otherwise conduct the proceedings in a satisfactory manner, the Hearing Officer may at any stage of the proceedings, in his or her discretion order that the case be transferred to the Senior Branch of the Trial Division.

18. The Senior Branch of the Trial Division shall have original jurisdiction, power and authority to hear and determine all charges of academic offences not coming within subsection 1 of section 17 and any case transferred to it by election of the accused or by order of a Hearing Officer under subsections 2 or 3 of that section. Such charges shall be tried by and before a single member of the Tribunal who is legally qualified, with a jury, and upon conviction of the accused of any such charge, there may be imposed, subject to section 16 (5), if applicable, any sanction or sanctions provided for the offence, except that where the case has been transferred as aforesaid, no sanction shall be imposed which is more severe than that which could have been imposed in the Local Branch.

19. (1) An appeal to the Appeal Division may be taken in the following cases, only:

(a) by the accused, from a conviction by either Branch of the Trial Division, upon a question which is not one of fact alone;

(b) subject to section 26 (4), by the accused or the Provost, from a sanction imposed by either such Branch; or

(c) subject to section 26 (4), by the Provost, from a conviction by either such Branch, upon a question which is not one of fact alone.

(2) An appeal under subsection 1 shall be heard and determined by three members of the Tribunal, at least two of whom are legally qualified.

20. An appeal may be taken by the accused to the Senior Branch of the Trial Division by way of trial de novo from a conviction by the Local Branch, upon a question which is not one of law alone.

21. Except as provided in sections 19 and 20, there shall be no further or other appeals.

(1) Any Branch or Division of the Tribunal exercising appellate jurisdiction hereunder shall have power,

(i) to dismiss an appeal summarily if it determines that the appeal is frivolous, vexatious or without foundation;

(ii) in circumstances which the Tribunal hearing the appeal considers to be exceptional, to order a new trial; and

(iii) in any other case, to affirm, reverse, quash, rescind, vary or modify the decision, order, verdict or sanction appealed from, to substitute any decision, order, verdict or sanction that could have been made, given or imposed by the Branch of the Division that made the original determination.

(2) Where more than one member of the Tribunal is required to sit, the decision of a majority of the members sitting shall govern.

23. Subject to section 24, the proceedings of the Tribunal shall be conducted in accordance with the Rules of Procedure.

24. Except as otherwise provided or permitted by or under The Statutory Powers Procedure Act, of the Statutes of Ontario, 1971, Chapter 47 and any amendments thereto from the time or any act that may hereafter be substituted therefor, the proceedings of the University Tribunal shall be conducted in compliance with Part 1 of the Act and any amendments thereto, and in the event of any conflict between the Rules of Procedure and any provision of that Part, such provision shall prevail.

25. (1) There shall be a Secretariat consisting of a secretary to the University Tribunal and such assistants to the secretary as may be deemed necessary, to be appointed by the Governing Council on the recommendation of the President,

and such other administrative staff as may be required from time to time.

(2) The Secretariat shall be the administrative agency of the Tribunal and shall,

(a) give and receive notices in respect of the proceedings of the Tribunal;

(b) keep the records of the proceedings of the Tribunal;

(c) arrange for the hearings of the Tribunal and provide for the presence of a person to act as clerk or registrar at every hearing of the Tribunal and of a suitable panel of prospective jurors at every such hearing which is to be a trial with a jury;

(d) upon the instructions of the Chairman, advise the appropriate officer or other member or members of the teaching staff or the administrative staff of the results of any proceedings of the Tribunal and see to the carrying into effect by the appropriate person or body of any sanctions imposed; and

(e) perform such other administrative duties as are prescribed herein or in the Rules of Procedure or as may be assigned to it from time to time by the Chairman.

26. (1) There shall be a University Prosecutor who shall be appointed by the Governing Council on the recommendation of the President and shall be a barrister and solicitor duly qualified to practise law in Ontario.

(2) The Governing Council may also appoint legally qualified assistants to the Prosecutor, on the recommendation of the President, and such administrative staff as the Prosecutor may require.

(3) The Prosecutor shall perform the duties prescribed in the Rules of Procedure and such other duties as may be assigned to him or her from time to time by the Provost.

(4) No prosecution shall be laid or prosecution proceedings before the Senior Branch of the Trial Division, or appeal to be taken by the Provost, except with the agreement of the Prosecutor.

27. No charge shall be laid or prosecution or proceeding instituted in respect of an academic offence more than six months after the commission of the act or conduct giving rise to the charge; provided that the time during which any proceedings before the Tribunal are suspended under the Rules of Procedure shall not include in the computation of such six-month period.

28. The Chairman shall have power in circumstances which he or she considers to be exceptional, upon application by the accused or the Provost or Dean, as the case may be, to enquire or abridge any of the times prescribed in the Rules of Procedure (but not the time provided in section 27) if the Chairman is of the opinion that such enlargement or abridgement is likely to operate to the benefit of the accused and is unlikely to cause substantial detriment or prejudice to the Provost or Dean, as the case may be, the Prosecutor or any other party to the proceedings, and an application to enlarge any of such times may be made either before or after the expiration thereof.

29. (1) Notwithstanding section 21, the Tribunal shall have power in circumstances which it considers to be exceptional, upon application in the nature of an appeal made by the accused at the earliest opportunity, to re-open and review any decision, order or verdict of or sanction imposed by the Tribunal in proceedings in which it considers to be satisfied that there is material, relevant and available evidence which was not and could not reasonably have been known to or discovered by the accused at the time of the previous proceedings and which raises a substantial doubt as to whether the decision, order, verdict or sanction was just and correct.

(2) An application under subsection 1 shall be heard and determined by three or more members of the Tribunal, as determined by the Chairman, at least one of whom is a legal practitioner, and notwithstanding section 8 (4) and the Rules of Procedure, a member is not disqualified from hearing the application by reason of having participated in the previous proceedings.

(3) An application under this section may be made in any manner and may be provided for in the Rules, mutatis mutandis.

30. Where it is considered to be warranted by the circumstances, the chairman of a hearing, a Hearing Officer or the members of the Tribunal, as the case may be, may, in his, her or their discretion award costs of any proceedings, both at trial and on appeal, and may make orders as to the party or parties to and by whom and the amounts and manner in which such costs are to be paid.

31. In the event of any doubt, dispute or question arising as to,

(a) whether a college, school, institute, faculty or other division of the University or any of them that has been designated as an academic division by the Academic Affairs Committee has academic autonomy within the meaning of section 3 (a);

(b) whether a person is disqualified under section 13 (1) from being empaneled as a prospective juror;

(c) whether more than one academic division is concerned with an alleged offence for the purpose of section 17 (1); or

(d) the academic division to which a member belongs for the purposes of section 17 (1) or the Rules of Procedure, such doubt, dispute or question shall be

resolved and determined by the Provost, whose decision shall be final for all purposes hereof but for no other purpose.

32. The Provost shall report regularly, and at least annually, to the Academic Affairs Committee of the Governing Council concerning the numbers, classes and disposition of complaints, charges and appeals coming to the attention of the Provost or of the Prosecutor or coming before the Divisions and Branches of the Tribunal, as the case may be, with information as to the academic divisions concerned and the sanctions imposed and such other information as the Committee may require.

33. Neither the Governing Council nor any of its committees shall have power or authority to alter, review or re-open or order a review or re-opening of any decision, order or verdict or sanction imposed by the University Tribunal.

34. This enactment and the Code of Behaviour shall come into force on a date to be fixed by resolution of the Governing Council.

35. This enactment may be cited as the Discipline Structures and Procedures, 1974.

The Rules of Procedure

SCHEDULE A

Rules of Procedure

Definitions

1. In these Rules, unless the context otherwise requires:

(a) "Act" means The Statutory Powers Procedure Act, Statutes of Ontario, 1971, Chapter 47 and any amendments thereto from time to time or any act that may hereafter be substituted therefor;

(b) "department chairman" means the chairman of a department of an academic division or, where a division is not subdivided into departments, the Dean of the division;

(c) "holiday" includes Saturday and each day that is a holiday as defined in The Interpretation Act of Ontario;

(d) "instructor" means any person who has a duty to teach or instruct a student or students or to evaluate the work of a student or students;

(e) "local academic area" means, in relation to a particular alleged academic offence, the general field of study of which a prior knowledge or experience is necessary in order to assess adequately a charge of having committed that offence;

(f) "staff member" means a member of the teaching staff, teaching assistant or research associate.

Matters Not Provided For

2. As to all matters of procedure not provided for in the Rules of Procedure or in Part 1 of the Act, the practice and procedures of the Tribunal shall be regulated by analogy to the procedure in criminal law in the Province of Ontario under the Criminal Code of Canada.

Notice and Times

3. No notice in the course of proceedings of the Tribunal shall be given orally.

4. It shall be sufficient service of any notice required or permitted to be given to the accused if the notice is delivered to him or her personally or is sent by prepaid registered post, mailed at Toronto in an envelope addressed to the accused at his or her latest address of record in the Office of Statistics and Records of the University, or the office of the academic division in which he or she is registered or holds an appointment, as an address to be used for him or her during the academic session or, if none is so recorded, to the latest address of the accused known to such offices.

5. Notwithstanding sections 4 and 47, the Chairman may give directions in any particular case as to the manner in which reasonable notice shall be given to the accused if the Chairman considers that the accused is attempting to evade service of notice or that a notice given as otherwise provided in these Rules is unlikely to come to the attention of the accused.

6. It shall be sufficient service of any notice required or permitted to be given to the Provost, a Dean, the Chairman or the Prosecutor if the notice is delivered during office hours to the office of the Secretariat of the University Tribunal, University of Toronto, Toronto, Ontario, M5S 1A1 in an envelope addressed to the person for whom it is intended or is sent by prepaid registered post in an envelope addressed to such person in care of such office.

7. Wherever in these Rules a number of days of notice or of days within which notice is to be given is specified, the date of delivery or mailing of the notice shall be included and the date of the event of or following which notice is to be given shall be excluded, and where such number of days is expressed to be clear days or the term "at least" is added, both such dates shall be excluded.

8. Where a period of less than ten days is prescribed, holidays shall not be counted.

9. Where the time for doing any act or making any proceeding or giving any notice expires on a holiday, the act or proceeding may be done or taken or the notice given on the next day following that is not a holiday.

10. Any time prescribed in these Rules may be enlarged or abridged by the consent in writing of all the parties to the proceedings.

Academic Offences by Students

Complaint

11. Except in cases provided for in section 17, where an instructor has reason to believe that an academic offence has been committed by a student, the instructor shall so inform the student with reasonable promptness after the instructor learns of the act or conduct complained of, giving his or her reasons, and invite the student to discuss the matter.

12. If after such discussion, the instructor is satisfied that no academic offence has been committed by the student, he shall so inform the student and no further action shall be taken in the matter by the instructor.

13. If after such discussion, the instructor believes that an academic offence has been committed by the student, or if the student fails to respond to the invitation for discussion, the instructor shall make a report of the matter to the department chairman, who shall thereupon notify the student accordingly and afford the student an opportunity for discussion of the matter to the department chairman and the instructor.

14. If the instructor, with the agreement of the department chairman, subsequently decides that no academic offence has been committed and that no further action in the matter is required, the instructor shall so inform the student, and the work of the student shall be accepted for normal evaluation.

(Continued on page 6)

Rules of Procedure of U of T disciplinary structure

(Continued from page 5)

15. If the student admits the alleged offence, the instructor, with the agreement of the department chairman, may impose the academic penalty that the instructor considers appropriate, by partial or total denial of credit for the work, and in such event, shall inform the student accordingly. The most severe penalty that may be so imposed is the assignment of a mark of zero for the offending work, and no further action in the matter shall be taken by the instructor or the department chairman if the instructor proceeds under this section.

16. If the student has admitted the alleged offence but does not accept the evaluation of his or her work by the instructor under section 15, the student may apply to a Hearing Officer designated or appointed by the Chairman for the academic division to which the student belongs and who is familiar with the field of study of the student, and such Hearing Officer may, without conducting a hearing, either confirm the evaluation by the instructor or direct the department chairman to have work reassessed by another member of the teaching staff of the department.

17. Where a person presiding at a formal examination administered by the academic division has reason to believe that an academic offence has been committed by a student on the examination, such person shall make a report of the matter, with reasonable promptness, to the Dean of that division.

Decision to Prosecute

18. If in the case of an academic offence alleged to have been committed by a student other than on a formal examination as aforesaid (whether or not such offence has been admitted by the student), the department chairman consulted with the instructor, that a charge should be laid against the student, the department chairman shall refer the complaint to his or her Dean with a recommendation for prosecution.

19. If the Dean agrees with the recommendation of the department chairman, or where a report has been made under section 17 of an academic offence alleged to have been committed by a student on a formal examination and the Dean considers that a charge should be laid against the student, the Dean shall, after considering the apparent gravity of the alleged offence and whether more than one academic division is concerned therewith, either:

(a) decide that a charge shall be laid against the student, to be heard and determined by the Local Branch of the Trial Division of the Tribunal; or

(b) after consultation with the Provost, refer the complaint to the Provost.

20. The evaluation of the work of the accused shall be suspended until the final disposition by the Tribunal of any charge of an academic offence against a student.

Academic Offences by Staff Members

Complaint

21. Where a student or a member of the teaching staff or the administrative staff has reason to believe that an academic offence has been committed by a staff member, he or she shall inform the Dean of the academic division in which the staff member holds an appointment, with reasonable promptness after the complainant learns of the act or conduct complained of.

22. Where the Dean has been so informed, he or she shall immediately arrange a meeting between the complainant and the staff member, at which the Dean shall be present.

23. If after the discussions at such meeting, the complainant is satisfied that no academic offence has been committed and the Dean agrees, no further action in the matter shall be taken by the complainant or the Dean, and the Dean shall so inform the staff member.

24. If the staff member admits the alleged offence, the Dean, with the agreement of the complainant and the consent of the staff member, may impose admin-

istrative sanctions that are within the power and authority of the Dean, and no further action in the matter shall be taken by the Dean or the complainant if the Dean proceeds under this section.

Decision to Prosecute

25. Where after the meeting referred to in section 22, as a result of other investigation, the Dean believes that an academic offence has been committed by the staff member with respect to which further proceedings should be taken (whether or not such offence has been admitted by the staff member), the Dean shall, after considering the apparent gravity of the alleged offence, either:

(a) in the case of a staff member having tenure, request the President to appoint a committee under the Policy Statement on Academic Tenure published October, 1967 (commonly known as the *Hastie Rules*) as amended from time to time, to consider removal of the staff member on the grounds of gross misconduct; or

(b) in the case of any staff member, after consultation with the Provost, refer the complaint to the Provost.

26. If the Dean proceeds under section 25 (a), any proceedings before the Tribunal shall be suspended until either the President signifies that he or she will not accept and act upon the request or the proceedings for removal have been finally determined, as the case may be.

Academic Offences by either Students or Staff Members

27. If the complainant is dissatisfied with a decision of the department chairman not to refer the complaint to the Dean with a recommendation for prosecution under section 18, the complainant may refer the matter to the Dean for consideration and investigation. If the complainant is dissatisfied with the action taken by the Dean upon such referral or with a decision of the Dean not to proceed under sections 19 or 25, the complainant may refer the matter to the Provost.

28. No hearing within the meaning of section 2 of the Act is required for the purposes of or in connection with any of the discussions, meetings and determinations referred to in sections 11, 13, 16 and 22, and such discussions, meetings and determinations are not proceedings of the Tribunal, and the statements and admissions, if any, made therewith by the student or the staff member, as the case may be, shall not be used or receivable in evidence against him or her in any proceedings of the Tribunal with respect to the offence or alleged offence in question.

29. The academic penalties by way of evaluation and reassessment referred to in sections 15 and 16 and the administrative sanctions referred to in section 24 are not sanctions imposed by or decisions of the Tribunal within the meaning of the Act, the *Discipline Statutes*, or *Procedures*, 1974 or the *Rules of Procedure*.

30. Notwithstanding sections 28 and 29, a record of cases disposed of under sections 15, 16 and 24 and of the academic penalties or administrative sanctions imposed shall be kept in the academic division concerned and may be referred to by the Dean in connection with a decision to prosecute, or by the prosecution in making representations as to the sanction or sanctions to be imposed by the Tribunal, but any subsequent offence committed or alleged to have been committed by the student or the staff member, as the case may be.

31. A failure to carry out the procedures referred to in sections 11 to 25, or any of them, or any defect or irregularity in such procedures, shall not invalidate any subsequent proceedings of or before the Tribunal unless the chairman of the hearing or the Hearing Officer, as the case may be, considers that such failure, defect or irregularity resulted in a substantial wrong, detriment or prejudice to the accused.

32. If a matter has been referred to the Provost under section 27, he or she shall refer the complaint to the Pro-

secutor shall be in writing, signed by the complainant, the department chairman or the Dean, and stating that he or she has reason to believe that a specified academic offence has been committed by a particular named member.

34. Subject to section 33, a complaint need not be in any special form or contain reference to all the facts and evidence that might be necessary to establish guilt.

35. Where a complaint has been referred to the Prosecutor, he or she shall immediately consider and investigate the circumstances surrounding the complaint and the matters alleged therein, or cause them to be considered and investigated under his or her supervision.

36. Upon completion of such consideration and investigation, the Prosecutor shall decide, with impartiality and objectivity, whether there appears to exist sufficient evidence to indicate that an academic offence has been committed by the member named in the complaint. If the Prosecutor considers that there is not sufficient evidence to so indicate, he or she shall so inform the Provost or the Dean who referred the complaint to the Prosecutor, and unless further evidence is discovered by subsequent investigation, proceedings shall not be taken before the Tribunal in the matter. The Provost or the Dean to whom the Prosecutor so reports shall immediately inform the complainant accordingly.

37. Where the Prosecutor considers that a prima facie case exists that an academic offence has been committed by the member named in the complaint, the Prosecutor shall so inform the Provost or the Dean who referred the complaint to the Prosecutor.

38. Upon being so informed by the Prosecutor, the Provost or the Dean, as the case may be, shall thereupon decide whether or not a charge shall be laid against the member named. If he or she decides that a charge shall be laid, it shall be heard and determined by the Senior Branch of the Trial Division of the Tribunal.

39. If the Provost or the Dean decides that a charge is to be laid, he or she shall immediately inform the Secretary and if the Provost or the Dean decides that a charge is not to be laid, he or she shall so inform the complainant, giving him or her reasons.

40. Where a Dean acts under sections 36 or 39, he or she shall immediately inform the Provost.

41. Where a decision is made under section 39 that a charge is not to be laid, the Provost shall make a report thereof, with the reasons for the decision, to the Academic Affairs Committee of the Governing Council at its next regular meeting.

42. The Provost may consult with the said Committee before laying or deciding to lay any charge.

Charge

43. A prosecution for an alleged offence under the Code shall be instituted by the laying of a charge against the accused.

44. A charge shall be in writing, addressed to the accused, signed by or under the authority of the Provost or the Dean, as the case may be, and filed with the Secretariat. It shall contain a statement that the accused is charged with having committed an offence specified therein, with sufficient particulars of the circumstances to enable the accused to identify the alleged act or conduct giving rise to the charge.

45. Upon receipt by the Secretariat of a charge which appears to be in proper form, the Chairman shall designate or appoint the Hearing Officer or the member of the Tribunal, as the case may be, who shall be the chairman of the hearing, and the Secretariat shall immediately, under the direction of the Chairman, determine a date, time and place for the trial.

46. When the matters referred to in section 45 have been completed, the Secretariat shall give or send to the accused, the Provost or the Dean, as the case may be, the Prosecutor (except if the charge is to be heard in the Local Branch of the Trial Division of the Tribunal) and any other party to the proceedings, a true copy of the charge and a notice in

accordance with section 6 (2) of the Act.

47. Subject to section 5, notice under section 46 shall be given or sent within six clear days after the charge is filed with the Secretariat.

Composition of Juries

48. Where a charge is to be heard and determined by either Branch of the Trial Division of the Tribunal, the chairman of the hearing or the Hearing Officer, as the case may be, shall, after hearing representations by or on behalf of the accused and the Dean of the academic division to which the accused belongs, and in sufficient time before the commencement of the trial to enable the Secretariat to select a suitable panel of prospective jurors, determine the local academic area in or in relation to which the alleged offence occurred, and shall so inform the Secretariat and the parties to the proceedings.

49. Two members of the jury shall be chosen from among prospective jurors whose field of study is outside the local academic area so determined. One of such members shall be a member of the teaching staff and the other shall be a student. The field of study of the other three members of the jury shall be the local academic area so determined.

Conduct of Trials

50. The Prosecutor or an assistant to the Prosecutor designated by him or her shall conduct the prosecution in all cases coming before the Senior Branch of the Trial Division of the Tribunal.

51. The Dean of the academic division concerned with the charge, or a full-time member of the teaching staff or the administrative staff of such division, designated by the Dean, shall conduct the prosecution in all cases coming before the Local Branch of the Trial Division of the Tribunal.

52. The proceedings in the Local Branch of the Trial Division shall be informal and before proceeding in that Branch, the parties to the proceedings shall have waived their rights to be represented by counsel and have consented to the decision of the Tribunal being given without compliance with section 10 (a) of the Act, and in such event, counsel shall not appear at the trial; provided that the accused may invite another member of the University who is not legally qualified to be present and to assist in the preparation and presentation of his or her defence. In the absence of such waiver and consent, the accused shall be deemed to have elected to be tried by the Senior Branch of the Trial Division.

53. In the case in the Senior Branch of the Trial Division in which the Prosecutor does not appear and conduct the prosecution personally, he or she shall render assistance and advice to the assistant or other person who conducts the prosecution.

54. The oral evidence taken before the Tribunal at a trial shall be recorded by notes taken by or under the supervision of the chairman of the hearing or the Hearing Officer, as the case may be, or in such other manner as he or she may direct.

55. Subject to section 56, the trial shall commence not less than 30 days nor more than 60 days after the giving of notice to the accused under section 46.

56. The chairman of the hearing or the Hearing Officer, as the case may be, may grant adjournments upon cause being shown to his or her satisfaction by either the accused or the prosecution why such should be granted.

57. Either the accused or the prosecution may challenge any prospective juror for cause shown to the satisfaction of the chairman of the hearing or the Hearing Officer, as the case may be, and may in addition challenge any three prospective jurors peremptorily.

58. The accused shall not be compellable or compelled to testify.

59. Except as otherwise expressly provided in these Rules or in the Act, the onus and standard of proof that an academic offence has been committed by the accused shall be the same as in criminal cases in the Province of Ontario under the Criminal Code of Canada.

(Continued on page 7)

The Rules of Procedure

(Continued from page 6)

Decision

60. The charge of the chairman of the hearing or the Hearing Officer, as the case may be, to the jury and the verdict of the jury shall be recorded by him or her or under his or her supervision.

61. The chairman of the hearing or the Hearing Officer, as the case may be, shall be entitled to recommend to the jury an appropriate sanction or sanctions and any such recommendation shall also be recorded by him or her or under his or her supervision.

62. The accused and his counsel or agent, if any, shall be entitled to be present during the consultation referred to in section 16 (4) of the Discipline Structures and Procedures, 1974 and to hear any recommendation made under section 61.

63. After the consultation and recommendation referred to in section 62, the accused or his counsel or agent, if any, shall be entitled to make representations to the jury as to sanction.

64. The jury, the chairman of the hearing or the Hearing Officer, as the case may be, shall give reasons for the sanction or sanctions imposed, which shall be recorded by the chairman of the hearing or the Hearing Officer, as the case may be, or under his or her supervision.

65. A copy of any final decision and order of the Tribunal, either at trial or on appeal, together with the reasons therefor where reasons are required by these Rules to be given and a statement of the rights of appeal and the time limit within which appeals must be made, shall be sent to each party to the proceedings who took part in the hearing by first class mail within five clear days after the decision and order have been pronounced.

Transcript of Evidence

66. If by direction under section 54, the oral evidence taken at a trial has been recorded in such manner that a transcript thereof is obtainable, copies of a transcript may be obtained by any party to the proceedings upon the same terms as in the Supreme Court of Ontario.

Appeals

67. An appeal shall be made by the filing with the Secretariat, within 14 days after the date of the sending of the material referred to in section 65, of a notice of appeal and, if any transcript of the oral evidence taken at the trial is obtainable and the appellant is desirous of referring to such evidence in the argument of the appeal, either five copies of such transcript, certified by the reporter or recorder thereof, or proof that such copies have been ordered by the appellant and that such order has been accepted by the reporter or recorder; provided that where the accused is the appellant, the Chairman may in his discretion, upon summary application, order that the appellant be relieved of the costs of such transcript and that such transcript be ordered and such costs be paid by the University if he is of the opinion that compliance with this section would impose hardship and the appeal is potentially meritorious.

68. The notice of appeal shall state briefly the relief sought and the grounds upon which the appeal is taken.

69. Upon receipt by the Secretariat of the material referred to in section 67, appearing to be in proper form, the Chairman shall designate the members of the Tribunal who shall hear the appeal, and the Secretariat shall immediately, under the direction of the Chairman,

(a) determine a date, time and place for the hearing of the appeal; and
(b) prepare and certify the record of the proceedings at the trial (other than any transcript of the oral evidence) and furnish copies thereof to the member or members so designated and to the appellant and the respondent on the appeal.

70. When the matters referred to in section 69 have been completed, the Secretariat shall give or send notice of the hearing of the appeal to the accused, the Provost or the Dean, as the case may be, the Prosecutor and any other party to the proceedings who took part in the trial.

71. Subject to section 72, the hearing

of the appeal shall commence not less than 14 days nor more than 30 days after the filing of the notice of appeal with the Secretariat.

72. The chairman of the appeal hearing may grant adjournments upon cause being shown to his or her satisfaction by either the appellant or the respondent who such should be granted.

73. The Prosecutor shall represent the Provost or the Dean, as the case may be, on any appeal and shall conduct the appeal if it is taken by the Provost.

74. Except as otherwise provided in the Discipline Structures and Procedures, 1974, an appeal shall not be a trial de novo and the record on the appeal shall consist of the documents and material referred to in section 20 of the Act, as certified by the Secretariat or, in the case of any transcript of the oral evidence taken at the trial, as certified by the reporter or recorder thereof.

75. Where a transcript of oral evidence is obtained and is to be referred to in the argument of an appeal, one of the copies thereof filed by the appellant shall be furnished by the Secretariat to the respondent on the appeal.

76. In circumstances which it considers to be exceptional, the Appeal Division of the Tribunal may allow the introduction of further evidence on appeal which was not available or was not adduced at the trial, in such manner and upon such terms as the member or members of the Tribunal hearing the appeal may direct, provided that in an appeal by the Provost, no new evidence may be adduced by the Provost.

77. The decision of the Tribunal on an appeal may be reserved for not more than 10 clear days.

Participation of members of the Tribunal

78. No member of the Tribunal who participates in a hearing of the Tribunal, either at trial or on appeal, shall have taken part in any investigation or consideration of the subject matter of the proceedings prior to the hearing.

79. No member of the Tribunal shall participate in a decision of the Tribunal, either at trial or on appeal, unless he or she has been present throughout the hearing.

Delegation

80. A Dean may designate one or more Associate Deans or Assistant Deans of his or her academic division for the purpose of performing, in whole or in part, the functions and duties of the Dean under the Discipline Structures and Procedures, 1974 and these Rules, and a person so designated shall have and may exercise, to the extent delegated by the Dean, the power, authority and discretion conferred on the Dean in matters of discipline and in particular, but without limiting the generality of the foregoing, the power, authority and discretion to receive and act upon complaints, reports and notices, to participate in consultations, meetings and discussions and to make determinations, decisions and representations as provided for in these Rules.

Safety Office warns of serious injuries

The U of T Safety Office is becoming concerned that the number of falls to staff members resulting in very serious injuries is reaching extreme proportions. Of twenty compensable injuries in January, 40% were the result of slips and falls. By mid-February there were eight compensable such accidents. One involves a fractured nose and arm, plus severe bruises to the face; another involves a fractured femur. Both of the above accidents occurred when the person involved was going down a set of stairs. The latest serious accident, a fractured ankle, was sustained on a footpath.

No one believes he will be a victim, but victims are people, and all qualify as potential candidates. The only way to avoid trouble is to be aware that it can happen any time, and any place.

The Safety Office urges everyone to take extra precautions by using handrails; by walking, not running; by going up and down stairs one step at a time; and being aware that accidents can happen.

COMING EVENTS

Tuesday 9 April

MEETING - U of T Faculty Association's annual meeting; speaker, President John Evans. 3153 Medical Sciences Building. 4 p.m.

Wednesday 10 April

LECTURE - Religion - "The New Religions of Korea, a preliminary interpretation", illustrated. Prof. H. Byron Earhard, Department of Religion, Western Michigan University. 113 New Academic Building, Victoria College. 4 p.m.

COLLOQUIUM: Psychology - "Genotype and Early Experience". Prof. William R. Thompson, Queen's University. 2102 Sidney Smith Hall. 4.15 p.m. (Psychology)

MUSIC - "De Profundis" of deLalande. Trinity College Chapel Choir. 5.45 p.m.

Thursday 11 April

LECTURE - illustrated, "Women on Top" - symbolic sexual inversion and political conflict in early modern Europe". Prof. Natalie Davis, University of California at Berkeley. 2090 Sidney Smith Hall. 2 p.m.

LECTURE - Patterns and Problems of Growth series. "Urban Growth". Dr. Michel Chavaler, Professor of Environmental Studies, York University, and of Urbanism at Université de Montréal. Medical Sciences Building. 7.45 p.m. (Continuing Education)

SEMINAR: Psychology - "Inheritance of Intelligence". Prof. William R. Thompson, Queen's University. 521 (Ground Floor) Sidney Smith Hall. 10 a.m. (Psychology)

MUSIC - Cantata Soloists in a concert of vocal and instrumental masterpieces of the Baroque era. Great Hall, Hart House. 8.30 p.m. Tickets \$3; students \$1.50. For reservations call 967-3550.

Saturday 13 April

SERVICE - Liturgy of the Vigil and Solemn Eucharist of Easter. Trinity College Chapel. 10.30 p.m.

Sunday 14 April

MUSIC - University of Toronto Concert Band, conductor, Robert A. Rosevear, with Jonas Vaskivicius, baritone, and U of T Concert Choir and Repertory Chorus. MacMillan Theatre, Edward Johnson Building. 3 p.m. No tickets, no charge (Music)

SERVICE - Sung Eucharist of Easter. Trinity College Chapel. 9.30 a.m.

Thursday 18 April

LECTURE - Patterns and Problems of Growth series. "Growth of Knowledge". Dr. Thomas A. Goudge, Medical Sciences Building. 7.45 p.m. (Continuing Studies)

Sunday 21 April

MUSIC - New Chamber Orchestra of Canada, all Vivaldi program with Joseph Umbrico, Bill Phillips, trumpets. Great Hall, Hart House. 8.30 p.m. Tickets \$4, students \$2. Call 928-5524.

Wednesday 24 April

COLLOQUIUM: Psychology - "Attribution: An Obvious Theory with Nonobvious Implications". Prof. Richard E. Nisbett, University of Michigan. 2102 Sidney Smith Hall. 4.15 p.m. (SGS and Psychology) (Please note that the date has been moved ahead from May 1.)

MEETING - Victoria Women's Association. Speaker, Dr. Germaine Warkenton. Wynmwood. 2 p.m.

Thursday 25 April

PANEL - "Patterns and Problems of Growth" series. Panel summation and discussion of series. Medical Sciences Building. 7.45 p.m. (Continuing Studies)

Friday 26 April

MUSIC - Lilian Weichel, soprano. Walter Hall, Edward Johnson Building. 8.30 p.m. No tickets, no charge (Music)

Ph.D. Orals

Thursday, April 11

Room 319, 121 St. Joseph Street. 1 p.m.

Monday, April 22

F.C. Tunde Palmer, Department of Educational Theory, "The Relationship Among Dogmatism, Autonomy, Administrative Style and Decision Making of Practicing and Aspiring School Principals". Thesis supervisor: Prof. D.F. Musella. Round Room, Massey College. 2 p.m.

Ms. Margaret Chin Lin, Department of Chemistry, "Mass Spectrometry of Gaseous Ions". Thesis supervisor: Prof. A. G. Harrison. Room 107, 16 Hart House Circle. 10 a.m.

Tuesday, April 23

J.F. Brandeis, Department of Industrial Engineering, "Some Theoretical and Practical Problems of Medical Information Systems". Thesis supervisor: Prof. S.H. Cohn. Room 108, 16 Hart House Circle. 10 a.m.

Ms. Rosemary Speirs, Department of History, "Technological Change and the Railway Unions, 1945-1972". Thesis supervisor: Prof. K.W. McNaught. Choir Room, Massey College. 2 p.m.

Timothy Ashley Hardy, Department of Educational Theory, "Teacher-Student Dyadic Relationship in the Elementary School Classroom: A Participant Observation Study". Thesis supervisor: Prof. R.J. Silvers. Room 108, 16 Hart House Circle. 2 p.m.

Monday, April 15

K. Lantz, Department of Slavic Languages and Literatures, "Aspects of Chekhov's Comedy: 1880-1887". Thesis supervisor: Prof. G. Zekulin. Round Room, Massey College. 2 p.m.

Wednesday, April 17

Sister Mary Alice Butts, Department of Political Economy, "The Political Doctrines of Augustine of Hippo and Marcellus of Adru". Thesis supervisor: Prof. G. Heiman. Croft Chapter House, University College. 2 p.m.

Friday, April 19

Ms. Florence Strlaiff, Department of Sociology, "Turnover of Nurses in Hospitals: A Study of a Service Organization". Thesis supervisor: Prof. R.R. Badgley.

Unique sundial presented to wife of Aerospace's Gordon Patterson



Dr. Jaap de Leeuw, director-designate, Institute for Aerospace Studies; Chancellor McGibbon, Mrs. Gordon N. Patterson, Dr. Patterson, retiring director of the Institute, and the sundial.

In a ceremony on April 2, at the Institute for Aerospace Studies of the University of Toronto, Chancellor Pauline McGibbon and Mrs. Bernard Etkin, wife of the Dean of Engineering, unveiled an artistic sundial and dedicated it to Alberta Patterson, wife of the soon-to-retire Director of the Institute, Dr. Gordon N. Patterson, for her many social and aesthetic contributions to the working environment of the Institute over the past 25 years.

Mrs. Patterson was instrumental in adding such pleasant touches as a flower garden, an annual children's Christmas party, help in planning the archival library and numerous other things that helped make the atmosphere of this erudite institution warm and congenial. The sundial will be located in a prominent place on the grounds of the Institute as a lasting tribute to Mrs. Patterson.

Appropriately, the sundial, being a clock operated by the solar system, symbolizes the Institute's technological activities in aeronautics, space and applied physics. It was constructed in copper by the well-known Toronto artist Laslo Buday following a new technical design by Dr. John Locke of the Institute. It consists of a conventional horizontal dial and gnomon (the triangular pointer) 30 inches in diameter.

Six copper panels, each with two of the signs of the Zodiac sculptured in bas-relief, form an artistic frieze 20 inches high about the circumference of the dial.

The sundial has a novel technical ingredient that allows it to tell clock time accurately. The dial markings follow a new computer-generated form which, together with an ability of the dial to rotate on a weatherized bearing, allows the new type of sundial to tell clock time accurate to within one minute despite seasonal variations.

Dr. Locke explained that an elementary sundial tells "sun-time", not clock time, and is therefore in error by as much as 16 minutes, depending on the time of year. The whole problem arises from the fact that the Earth proceeds around the sun along an ellipse, not a circle. This slight eccentricity of the Earth's orbit causes the length of the apparent or solar day to vary considerably and so sun-time and clock time are only in agreement on certain dates. In the new design one has only to set a pointer to the approximate date (within a week) and a simple mechanical computer makes the appropriate correction automatically by rotating the dial by a few degrees. It just computes the figure-eight curve called the analemma shown on most globes, said Dr. Locke.

J T Wilson to be director general of the Ontario Science Centre

Premier William Davis has announced the appointment of Principal John Tuzo Wilson, 65, of Erindale College, as director general of the Ontario Science Centre, effective July 1.

Prof. Wilson succeeds Douglas N. Ormrod, 54, who becomes executive coordinator of special projects in the Ministry of Treasury, Economics and Intergovernmental Affairs, April 1.

Prof. Wilson will be responsible for the management and administration of the Centre, which 1.3 million people visited last year to see the numerous interesting exhibits of scientific principles and technological achievements.

Born in Ottawa, Prof. Wilson received

his B.A. degree from the University of Toronto, his M.A. and Sc.D. degrees from Cambridge, and his Ph.D. from Princeton. He has an international reputation as a geophysicist. He became principal of Erindale College at Mississauga in 1967.

Prof. Wilson has lectured at more than 180 universities on six continents and has contributed hundreds of articles to scientific journals and papers. He is president of the Canadian Geophysical Union, a trustee of the National Museums of Canada and the Ontario Science Centre, vice-president of the Royal Geographical Society of Canada, a past president of the Royal Society of Canada, and a fellow of the Royal Society of London and of the World Academy of Art and Science.

Erindale College

PROF. WARREN KALBACH served as chairman of the Workshop on "Theories and Methods of Research on Migration", at a Conference on Policy and Research on Migration: Canadian and World Perspectives, held at the University of Waterloo, Oct. 17-20, under the auspices of the Research Committee on Migration, International Sociological Association. Prof. Kalbach was an invited participant to the Science Council of Canada Workshop on Population and Technology held in Ottawa, Dec. 5, by the Science Council Committee on Population and Technology. He is serving as a special consultant to the Department of Manpower and Immigration for their study Population Growth and Immigration which is to appear as a government "green" paper as a basis for discussion and proposed changes in immigration policy.

PROFS. JOHN R. PERCY and ROBERT DUPIRE attended the meeting of the American Astronomical Society in Tucson, Dec. 2-5, and presented papers on their work on the theory of pulsating variable stars. Then Professor Percy spent eleven nights at the Kitt Peak National Observatory in Arizona making observations of variable stars.

PRINCIPAL AND MRS. J. T. WILSON were invited to attend the Installation of the Governor General of Canada on Monday, January 14, in the Senate Chambers, Ottawa. On Jan. 16 the Principal addressed the Ottawa Canadian Club at luncheon on the subject "The Shortage of Resources: War or Prediction; is it real; can it be alleviated", and in the evening the Trinity College Alumni of Ottawa on the topic of "Continental Drift". On Jan. 17 and 18 Dr. Wilson attended a meeting of the National Advisory Committee on Control Surveys and Mapping and chaired a symposium on "Geodetic Needs in Canada: How can they be met?"

Dentistry

DR. R. S. TURNBULL gave a lecture entitled "Periodontal Disease in Mentally and Physically Handicapped Children" to the Mental Retardation Services Branch of the Provincial Government on Jan. 17.

DR. A. H. MELCHER presented a paper on "The Normal Periodontium" in the Symposium on Current Research on the Pathogenesis of Periodontal Disease held by the Philadelphia Society of Periodontologists on Jan. 16. He presented a paper on "The Use of Radioactive Isotopes in Dental Research" to the Toronto Radiodontic Study Club on Jan. 21.

DR. J. A. HARGREAVES spoke to the Ontario Dental Service Training Program on Restorative Dentistry for Mentally Retarded on "Current Knowledge on Plaque and Calculus Formation and Its Control" on Jan. 16.

DR. N. LEVINE spoke to parents of the central region of the Metropolitan Toronto Association for Retarded Children on the subject "Preventive Dental Care for the Special Child" on Jan. 22. He spoke to the Ontario Dental Service Training Program on Restorative Dentistry for the Mentally Retarded on "A Comprehensive Treatment Plan for Children" on Jan. 17.

Accommodation for rent and wanted

For rent terraced house in London, Eng., eleven years old, with garage, central heating, four bedrooms, open plan dining room and sitting room; dishwasher, clothes washer and refrigerator; ideally situated close to St. John's Wood tube station and north of Regents Park; convenient to a family visiting London for a year or two. For further information, please phone 525-9140 Local 2524 or 2541.

Furnished house for rent. Four bedrooms plus study, two bathrooms, breakfast room, Glenview-Avenue Road area. Good schools and public transportation. Available July and August 1974. Prof. A. G. Harrison, 928-6033 or 488-0913.

Completely furnished two-storey house: bedroom, den, library, living room, breakfast room, kitchen, bathroom, large private garden. Centrally located

DR. A. B. HORD addressed the Ontario Dental Association Conference on Preventive Dentistry on Jan. 17 on the subject of "Dental Disease".

DR. D. W. LEWIS addressed the Ontario Dental Association Conference on Preventive Dentistry on the subject of "Social and Economic Aspects of Dental Care in Ontario".

DR. V. N. DIRENFELD attended an Advanced Oral Surgery Course at Ohio State University, Columbus, from Jan. 11 to 13.

DR. C. D. TORNECK talked to the graduate students at Harvard University on "Biological Effects of Endodontic Procedures on Developing Teeth" on Jan. 11. DR. R. E. BOOKER addressed the Oxford County Dental Society in Woodstock on the subject "Management of Patients with Medical Problems" on Jan. 16.

DR. H. G. POYTON participated in the CBC radio program "Demand Side" on Jan. 6 on the subject of "Radiation".

DR. A. POSEN attended a meeting at the Edward H. Angle Society for Orthodontists in Chicago from Jan. 20 to 23 and discussed a paper on "Arch Form".

MRS. S. CLARK, President of the Canadian Dental Hygienists Association and DR. M. JACKSON, attended a conference of the Dental Auxiliary, organized by the Canadian Dental Association in Banff from Jan. 23 to 25.

Hygiene

DR. W. HARDING LE RICHE gave an address on "Nutrition and Energy" at the CIDA Workshop on "Nutrition and Energy", Ottawa, in December. In January he spoke to the Ontario Veterinary Convention, at the Constellation Hotel, on "Agriculture and Energy". On Feb. 12, Dr. Le Riche was panelist on a discussion entitled "The Right to Eat - the Importance of Nutrition in Maternal and Infant Health", held under the auspices of the Toronto Arts Foundation at the St. Lawrence Centre.

Aerospace Studies

PROF. I. I. GLASS attended the International Symposium on Modern Developments in Fluid Dynamics in honour of Prof. Sydney Goldstein's 70th birthday in Haifa, Israel, Dec. 18-19, where he chaired one of the technical sessions. He also attended the 3rd World Congress of Engineers and Architects in Tel-Aviv on Dec. 20. He visited a number of universities and research institutes in order to discuss current research programs. Dec. 20-30, Dr. Glass presented a lecture on "Aerospace in the Next Century" to a public meeting of the Canadian Technion Society, Toronto Chapter, Jan. 29. Prof. Glass and Dr. S. P. KALRA visited the Atomic Energy Company of Canada, Chalk River in order to discuss current research programs. Dr. Kalra gave a seminar on "Experimental and Analytical Methods of Investigating Non-equilibrium, Nonstationary Rarefaction Waves in Two-Phase Flows". Dr. Glass presented a lecture on "Strong Planar Shock Waves Generated by High-Speed Driven Spherical Implosions", for the Department of Mechanical Engineering and Mechanics, Lehigh University, Bethlehem, Pa. on Feb. 6.

and close to public transportation. Available September 1974 to August 1975. Reasonable rent. References. Minimum nine months. Suitable for couple. Telephone 481-7465.

Attractive 4-bedroom furnished house in the Beaches area available from May 1-Aug. 31. \$375 month. 694-4475.

Furnished 3-bedroom house, Manor Rd. and Mt. Pleasant area, garage. From Sept. 1, 1974 to Sept. 1975. \$325 per month. 928-3812; 486-9989.

Wanted to rent - furnished 3 bedroom house from May 1 until mid or late August; married with three small children. Call 928-8714 or 622-1670 (evenings).

Looking for an apartment or a house for my first year from August (or September) to the end of November. Call 484-6442 or 928-3366.